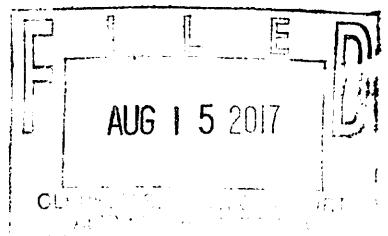


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA)
)
 v.) 1:17SW502
)
 Real Property and Improvements located at)
 202 North Brig, Hampstead, North Carolina,)
 also known as 100 North Brig, Surf City,)
 North Carolina)

MOTION FOR A WRIT OF ENTRY

The United States of America, by the United States Attorney for the Eastern District of Virginia, moves the Court for the issuance of a Writ of Entry, as authorized by 21 U.S.C. § 853(e)(1), for the purpose of conducting an inspection of the premises and seizing furniture and other items located therein. The real property and items within it are subject to civil and criminal forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) as proceeds of wire fraud, in violation of 18 U.S.C. § 1343. The procedures of 21 U.S.C. § 853 are incorporated in 28 U.S.C. § 2461(c).

The United States has obtained a seizure warrant authorizing the filing of a notice of *lis pendens* on the real property and a seizure warrant for the contents therein. As provided in 21 U.S.C. § 853(e)(1), the court has broad discretion to enter protective orders and to "take any other action to preserve the availability of property" subject to forfeiture. A writ of entry is needed to inspect the property and to seize the contents therein. The need to inspect the premises is especially important where the real property is only constructively seized, as is the case here. This inspection should, among other things, enable the United States to take an inventory of the property, including

still and video photography of the premises. Without such an inspection, it would be difficult to preserve the availability of the property subject to forfeiture because there would not be an accurate record documenting the condition of the property.

Finally, the provisions of 18 U.S.C. § 2232(a) make it a crime for anyone to take any action that would impair the Court's jurisdiction over property that is subject to forfeiture. Thus, the writ of entry should also provide that any interference with its execution shall be deemed a violation of a Court order, punishable as a contempt, as a violation of 18 U.S.C. § 2232.

CONCLUSION

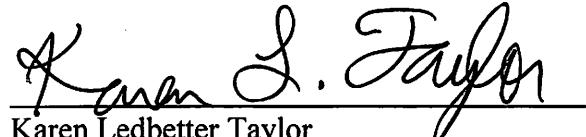
For all the above reasons, the United States requests that the Court issue a writ of entry to permit the inspection of 202 N. Brig, Hampstead, NC and the seizure of personal property therein.

Dated:

Respectfully submitted,

Dana J. Boente
United States Attorney

By:


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